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EXAMINER
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* VENKATESH KRISHNASWAMY and EUNSOO SHIM

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Appeal 2015-001792  
Application 12/730,935  
Technology Center 2400

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Before ST. JOHN COURTENAY III, STEPHEN C. SIU, and  
SCOTT E. BAIN, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1, 2, 4, 5, 7–14, and 16–20. Claims 3, 6, and 15 are canceled. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

The disclosed invention relates generally to verifying address mapping for communications. Spec. 1. Independent claim 1 reads as follows:

1. A method of verifying a mapping of a second address used by a first entity for communicating in real-time over a second network to a first address used by the first entity for communicating in real-time over a first network, the method comprising:

transmitting, from a second entity to the first entity, a first payload, wherein the first payload comprises at least one of a password, a session identifier, and the first address, wherein the first payload is transmitted via a second network interface at the second entity that is used to establish a real-time connection with the first entity over the second network, and wherein the first payload is transmitted during a real-time communication session established between the first entity and second entity;

receiving, at the second entity from the first entity, a response payload, wherein the response payload comprises response data, wherein the response data confirms that the first entity received the first payload when the response data includes at least one of the password, an encrypted value that utilized the password as an encryption key, the session identifier, an encrypted value that utilized the session identifier as an encryption key, the first address, and an encrypted value that utilized the first address as an encryption key, and wherein the response payload is received via a first network interface at the second entity that is used to establish a real-time connection with the first entity over the first network;

analyzing, by the second entity, the response data; and

based on the analysis step, the second entity applying the following rule set:

in the event that the response data confirms the first entity received the first payload, confirming that the first entity is entitled to use the first address and the second address; and

in the event that the response data does not confirm the first entity received the first payload, failing to confirm that the first entity is entitled to use at least one of the first address and the second address.

The Examiner rejects:

1) claims 1, 5, 7–9, 19, and 20 under 35 U.S.C. § 103(a) as unpatentable over Hosoi (US 2009/0157838 A1, published June 18, 2009) and Begis (US 2005/0185638 A1, published August 25, 2005);

2) claims 2, 10–14, and 16–18 under 35 U.S.C. § 103(a) as unpatentable over Hosoi, Begis, and Rosenberg (US 2009/0022149 A1, published January 22, 2009); and

3) claim 4 under 35 U.S.C. § 103(a) as unpatentable over Hosoi, Begis, and Sylvain (US 2008/0101573 A1, published May 1, 2008). Final Act. 4–18.

#### ISSUE

Did the Examiner err in rejecting claims 1, 2, 4, 5, 7–14, and 16–20?

#### ANALYSIS<sup>1</sup>

##### Claims 1, 10, 19, and 20

Claim 1 recites “wherein the response payload is received via a first network interface at the second entity that is used to establish a real-time connection with the first entity over the first network.” Claims 10, 19, and 20 recite a similar feature. The Examiner finds that Hosoi discloses a “transmission agent” (e.g., a “second entity”) that transmits an electronic

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<sup>1</sup> To the extent Appellants advance new arguments in the Reply Brief not in response to a shift in the Examiner’s position in the Answer, we note arguments raised in a Reply Brief that were not raised in the Appeal Brief or are not responsive to arguments raised in the Examiner’s Answer will not be considered except for good cause. *See* 37 C.F.R. § 41.41(b)(2).

mail “to the reception agent [e.g., a “first entity”] . . . via the dial-up line” (Hosoi ¶ 48) and that, in response the “reception agent [e.g., a “first entity”] . . . sends [data] to the transmission agent [e.g., a “second entity”].” Ans. 2–3 (citing Hosoi ¶¶ 48, 67, 68, 72). The Examiner also finds that Begis discloses a similar process in which “User A” sends data to “User B” “across the PSTN” and, in response, “User B” returns corresponding data to “User A” “across the IP connection.” Ans. 3–4 (citing Begis ¶¶ 18, 22, 37, 41, 42). That is, Begis discloses “User A” (e.g., a “second entity”) transmitting data to “User B” (e.g., a “first entity”) over one network (e.g., a “second network”) and, in response, “User B” returning corresponding data to “User A” over another network (e.g., a “first network”). In other words, Begis confirms that one of skill in the art would have understood that receiving data over one network (e.g., PSTN) and transmitting data in response over a different network (e.g., over an “IP connection”) was known and practiced in the art.

Appellants argue that the combination of Hosoi and Begis fails to disclose or suggest the disputed claim feature because the combination “would require Hosoi to teach Company B (receiving the fax) sending the first payload via the dial-up line and receiving the claimed response payload via the Internet from Company A (sending the fax),” which, according to Appellants, would be “nonsensical.” App. Br. 15. We are not persuaded by Appellants’ argument at least because Appellants do not explain persuasively why a *prima facie* showing of obviousness over the combination of the teachings of Hosoi and Begis would impose any specific

(new) requirements upon the Hosoi system and method and, even if the alleged requirement were to be imposed upon the Hosoi system, why the alleged requirement would be “nonsensical.”

In any event, to the extent Appellants argue that it would not have been obvious to one of ordinary skill in the art to bodily incorporate each of the teachings of Begis into Hosoi, we note that “[t]he test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference . . . Rather, the test is what the combined teachings of those references would have suggested to those of ordinary skill in the art.” *In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

#### Claims 8, 9, 17, and 18

Claim 8 recites that the first payload comprises a string of DTMF signals followed by a shared secret. Claims 9, 17, and 18 recite a similar feature. The Examiner finds that the combination of Hosoi and Begis discloses this feature. We discern no error in the Examiner’s finding. For example, as the Examiner indicates, Hosoi discloses a first entity that “communicates” with another entity in which a “DTMF signal is generated via [the network].” Ans. 4 (citing Hosoi ¶¶ 45, 66, 72, Figs. 1 and 8). The Examiner also explains that Begis provides a similar disclosure of one entity that communicates with another entity in which one entity “generates a secret key including a random number” and “sends the random number to” the other entity. Ans. 5 (citing Begis ¶¶ 41–43).

Appellants argue that “DTMF tones [that] are inserted into a fax protocol . . . is not provided by the art of record.” App. Br. 16. Hence, Appellants argue that the combination of Hosoi and Begis fails to disclose or suggest inserting DTMF tones into a fax protocol. Claim 8 recites that the first payload comprises a string of DTMF signals followed by a shared secret. We do not observe, and Appellants do not demonstrate persuasively, that claim 8 also recites that DTMF tones must be inserted into a fax protocol. We also note that none of claims 9, 17, or 18 appear to recite this hypothetical claim limitation. Therefore, we are not persuaded by Appellants’ argument. As previously indicated, to the extent that Appellants argue that it would not have been obvious to one of ordinary skill in the art to have bodily incorporated the teachings of Begis into those of Hosoi, we note that “[t]he test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference . . . Rather, the test is what the combined teachings of those references would have suggested to those of ordinary skill in the art.” *In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

Appellants also argue the combination of Hosoi with Begis would have “render[ed] [Hosoi] unsatisfactory for its intended purpose.” App. Br. 16. We are not persuaded by Appellants’ argument. As previously discussed, Hosoi discloses a system in which one entity sends a communication to another entity and the other entity returns a communication to the one entity in response to receiving the communication from the one entity. Also as previously discussed, Begis discloses one entity

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that sends a communication to another entity and the other entity returning a communication to the one entity in response to receiving the communication from the one entity. In other words, both Hosoi and Begis disclose systems with similar functions and “purposes.” Appellants do not explain sufficiently how one system with a similar function and “purpose” to another system would somehow render the other system “unsatisfactory for its intended purpose” given the similarity of the “purposes” of both systems.

Appellants do not provide additional arguments in support of the other claims under appeal or arguments with respect to any of Rosenberg or Sylvain.

#### SUMMARY

We affirm the Examiner’s rejection of claims 1, 2, 4, 5, 7–14, and 16–20 as unpatentable under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

#### AFFIRMED